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| To: Commissioner for Patents for<br>Examiner Ramsey Refai<br>Group Art Unit 2152   | Facsimile No. 571/273-8300   |
| From: Louise Fay<br>Paralegal to Duke W. Yee   | No. of Pages Including Cover Sheet: 3  |
| Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal document; and</li><li>• Notice of Appeal.</li></ul>                             |  |
| Re: Application Serial No. 09/838,368<br>Attorney Docket No. AUS920010016US1   |  |
| Date: Monday, November 21, 2005  |  |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 21 2005

In re application of: Dutta et al.

Serial No.: 09/838,368

Filed: April 19, 2001

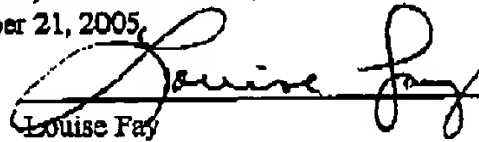
For: Automatic Backup of Wireless  
Mobile Device Data onto Gateway  
Server while Device is Idle

Group Art Unit: 2152

Examiner: Refal, Ramsey

Attorney Docket No.: AUS920010016US1

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November 21, 2005.  
By:   
Louise Fay

TRANSMITTAL DOCUMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

35525

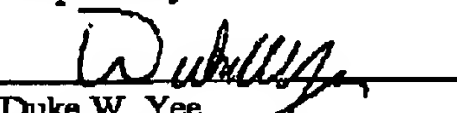
PATENT TRADEMARK OFFICE  
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Sir:  
ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$500.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0447.

Respectfully submitted,



Duke W. Yee  
Registration No. 34,285  
YEE & ASSOCIATES, P.C.  
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(972) 385-8777  
ATTORNEY FOR APPLICANTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 21 2005

In re application of: Dutta et al.

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on November 21, 2005.

By:

Louise Fay

NOTICE OF APPEALCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated August 19, 2005 finally rejecting claims 1-4,6-21,23-39.

A fee of \$500.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Duke W. Yee

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